

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Norfolk Division

MARK CARMAN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

PORTSMOUTH REDEVELOPMENT
AND HOUSING AUTHORITY,

Defendant.

Case No. 2:22-cv-313

ORDER

This matter is before the Court on the plaintiffs’ “Notice of Acceptance of Offers of Judgment” (ECF No. 31) and Defendant Portsmouth Redevelopment and Housing Authority’s Motion for Partial Summary Judgment (ECF No. 26). For the reasons stated herein, the Clerk is **DIRECTED** to enter judgment against the defendant in the amount of \$28,324.00, and the motion for partial summary judgment is **DENIED AS MOOT**.

The plaintiffs filed a complaint on December 22, 2022. ECF No. 19. The Honorable Arenda Wright Allen, to whom this matter was previously assigned, entered a consent order regarding class certification on February 10, 2023. ECF No. 23. Portsmouth Redevelopment and Housing Authority thereafter filed a motion for partial summary judgment, which was fully briefed. ECF Nos. 26 (motion), 27 (memorandum), 28 (opposition), 29 (reply). On July 12, 2023, the plaintiff filed notice of acceptance of an offer of judgment. ECF No. 31.

At least 14 days before the date set for trial, a party defending against a claim may serve on an opposing party an offer to allow judgment on specified terms, with the costs then accrued. If, within 14 days after being served, the opposing party serves written notice accepting the offer, either party may then file the offer and notice of acceptance, plus proof of service. The clerk must then enter judgment.

Fed. R. Civ. P. 68(a).

Trial in this matter is currently set to begin October 24, 2023. On July 6, 2023, the defendant served plaintiff's counsel an offer to allow judgment "in the amount of \$28,324.00 total, including attorney's fees, in full and complete satisfaction of all of Plaintiff's claims against Defendant alleged in this action." ECF No. 31-1. The offer included:

- \$4,859.50 for Plaintiff Carman's FLSA wages,
- \$4,859.50 for Plaintiff Carman's liquidated damages,
- \$4,302.50 for Plaintiff Gonzalez's FLSA wages,
- \$4,302.50 for Plaintiff Gonzalez's liquidated damages, and
- \$10,000 in attorney's fees.

Id. Six days later, the plaintiff filed written notice of acceptance and service with the Clerk. ECF No. 31.

All disputes in this matter being resolved, Defendant Portsmouth Redevelopment and Housing Authority's Motion for Partial Summary Judgment (ECF No. 26) is **DENIED AS MOOT**.

The Clerk is **DIRECTED** to enter judgment against the defendant in the amount of \$28,324.00.

The Clerk is **FURTHER DIRECTED** to send a copy of this Order to all counsel of record.

IT IS SO ORDERED.



/s/

Jamar K. Walker
United States District Judge

Norfolk, Virginia
July 20, 2023